

To: Benjamin A. Costa(trademark@rcjlawgroup.com)
Subject: U.S. Trademark Application Serial No. 97839225 - STELLAR AID ASSIST
Sent: June 11, 2023 03:30:54 PM EDT
Sent As: tmng.notices@uspto.gov

Attachments

[screenshot-www-merriam-webster-com-dictionary-assist-16864502711501](#)

United States Patent and Trademark Office (USPTO)
Office Action (Official Letter) About Applicant's Trademark Application

U.S. Application Serial No. 97839225

Mark: STELLAR AID ASSIST

Correspondence Address:

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UNITED STATES

Applicant: Stellar Development Foundation

Reference/Docket No. N/A

Correspondence Email Address: trademark@rcjlawgroup.com

NONFINAL OFFICE ACTION

Response deadline. File a response to this nonfinal Office action within three months of the “Issue date” below to avoid [abandonment](#) of the application. Review the Office action and respond using one of the links to the appropriate electronic forms in the “How to respond” section below.

Request an extension. For a fee, applicant may [request one three-month extension](#) of the response deadline prior to filing a response. The request must be filed within three months of the “Issue date” below. If the extension request is granted, the USPTO must receive applicant’s response to this letter within six months of the “Issue date” to avoid abandonment of the application.

Issue date: June 11, 2023

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue(s) below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62(a), 2.65(a); TMEP §§711, 718.03.

SUMMARY OF ISSUES:

- Identification of Services
- Multi Class Application Advisory
- Disclaimer

SEARCH OF USPTO DATABASE OF MARKS

The trademark examining attorney has searched the USPTO database of registered and pending marks and has found no conflicting marks that would bar registration under Trademark Act Section 2(d). 15 U.S.C. §1052(d); TMEP §704.02.

IDENTIFICATION OF SERVICES

The identification of services is indefinite and must be clarified because the exact nature of the services is unclear. *See* 37 C.F.R. §2.32(a)(6); TMEP §1402.01. The wording "Charitable services consultancy in the nature of assisting third parties in designing, developing and implementing charitable services and the disbursement of financial assistance" is indefinite because it identifies services in more than one classification. The wording "Software development and consultancy in the fields of charitable services and the disbursement of financial assistance" is indefinite because it is unclear whether the core services are software development or consultancy in financial assistance schemes and potentially mis-classified.

Applicant may adopt the following identification, if accurate:

International Class 035: Business services, namely, assisting others in the establishment of charitable organizations

International Class 036: ~~Charitable services consultancy in the nature of assisting third parties in designing, developing and implementing charitable services and the disbursement of financial assistance~~ **Financial consulting services in the field of planned giving for non-profit and charitable organizations**

International Class 042: ~~Software development and consultancy in the fields of~~ **Design and development of computer software for designing, developing, and implementing third party financial assistance disbursement** ~~charitable services and the disbursement of financial assistance~~

Applicant should note that the bolded language above is to indicate the examining attorney's suggestions. Applicant need not amend its identification other than where specified.

Scope advisory. Applicant may amend the identification to clarify or limit the goods and/or services, but not to broaden or expand the goods and/or services beyond those in the original application or as acceptably amended. *See* 37 C.F.R. §2.71(a); TMEP §1402.06. Generally, any deleted goods and/or services may not later be reinserted. *See* TMEP §1402.07(e). For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable [U.S. Acceptable Identification of Goods and Services Manual](#). *See* TMEP §1402.04.

MULTIPLE-CLASS APPLICATION REQUIREMENTS

The application identifies goods and/or services that are classified in at least 3 classes; however, applicant submitted a fee(s) sufficient for only 2 class(es). In a multiple-class application, a fee for each class is required. 37 C.F.R. §2.86(a)(2), (b)(2); TMEP §§810.01, 1403.01. For more information about adding classes to an application, see the [Multiple-class Application webpage](#).

Therefore, applicant must either (1) restrict the application to the number of classes covered by the fees already paid, or (2) submit the fees for each additional class.

The fee for adding classes to a **TEAS Standard** application is \$350 per class. *See* 37 C.F.R. §2.6(a)(1)(iii). For more information about adding classes to an application, see the [Multiple-class Application webpage](#).

The application references goods and/or services based on use in commerce in more than one international class; therefore, applicant must satisfy all the requirements below for each international class:

(1) **List the goods and/or services by their international class number** in consecutive numerical order, starting with the lowest numbered class (for example, International Class 3: perfume; International Class 18: cosmetic bags sold empty).

(2) **Submit a filing fee for each international class** not covered by the fee(s) already paid (view the [USPTO's current fee schedule](#)). Specifically, the application identifies goods and/or services based on use in commerce that are classified in at least 3 classes; however, applicant submitted a fee(s) sufficient for only 2 class(es). Applicant must either (a) submit the filing fees for the classes not covered by the submitted fees or (b) restrict the application to the number of classes covered by the fees already paid.

(3) **Submit verified dates of first use of the mark** anywhere and in commerce for each international class. [See more information about verified dates of use.](#)

(4) **Submit a specimen for each international class.** The current specimen is acceptable for class(es) 036 and 042; and applicant needs a specimen for class(es) 035. [See more information about specimens.](#)

Examples of specimens. Specimens for goods include a photograph of (1) the actual goods bearing the mark; (2) an actual container, packaging, tag or label for the goods bearing the mark; or (3) a point-of-sale display showing the mark directly associated with the goods. *See* 37 C.F.R. §2.56(b)(1), (c); TMEP §904.03(a)-(m). A webpage specimen submitted as a display associated with the goods must show the mark in association with a picture or textual description of the goods and include information necessary for ordering the goods. TMEP §904.03(i); *see* 37 C.F.R. §2.56(b)(1), (c).

Specimens for services must show a direct association between the mark and the services and include: (1) copies of advertising and marketing material, (2) a photograph of business signage or billboards, or (3) materials showing the mark in the sale, rendering, or advertising of the services. *See* 37 C.F.R. §2.56(b)(2), (c); TMEP §1301.04(a), (h)(iv)(C).

Any webpage printout or screenshot submitted as a specimen must include the webpage's URL and the date it was accessed or printed on the specimen itself, within the TEAS form

that submits the specimen, or in a verified statement under 37 C.F.R. §2.20 or 28 U.S.C. §1746 in a later-filed response. *See* 37 C.F.R. §2.56(c); TMEP §§904.03(i), 1301.04(a).

(5) **Submit a verified statement** that “**The specimen was in use in commerce on or in connection with the goods and/or services listed in the application at least as early as the filing date of the application.**” [See more information about verification.](#)

See 37 C.F.R. §2.86(a); TMEP §§1403.01, 1403.02(c).

For an overview of the requirements for a Section 1(a) multiple-class application and how to satisfy the requirements online using the Trademark Electronic Application System (TEAS) form, see the [Multiple-class Application webpage](#).

DISCLAIMER REQUIRED

Applicant must disclaim the wording “AID ASSIST” because it is merely descriptive of an ingredient, quality, characteristic, function, feature, purpose, or use of applicant’s goods and/or services. *See* 15 U.S.C. §§1052(e)(1), 1056(a); *DuoProSS Meditech Corp. v. Inviro Med. Devices, Ltd.*, 695 F.3d 1247, 1251, 103 USPQ2d 1753, 1755 (Fed. Cir. 2012); TMEP §§1213, 1213.03(a).

The attached evidence shows this wording means "to give support or aid." The applicant's services are assisting third parties to give aid in the form of financial assistance. Thus, the wording merely describes applicant’s services.

Applicant may respond to this issue by submitting a disclaimer in the following format:

No claim is made to the exclusive right to use “AID ASSIST” apart from the mark as shown.

For an overview of disclaimers and instructions on how to provide one using the Trademark Electronic Application System (TEAS), see the [Disclaimer webpage](#).

RESPONSES

Please call or email the assigned trademark examining attorney with questions about this Office action. Although an examining attorney cannot provide legal advice, the examining attorney can provide additional explanation about the refusal(s) and/or requirement(s) in this Office action. *See* TMEP §§705.02, 709.06.

The USPTO does not accept emails as responses to Office actions; however, emails can be used for informal communications and are included in the application record. *See* 37 C.F.R. §§2.62(c), 2.191; TMEP §§304.01-.02, 709.04-.05.

How to respond. File a [response form to this nonfinal Office action](#) or file a [request form for an extension of time to file a response](#).

/Cheryl Clayton/
Trademark Examining Attorney
Law Office 102
(571) 272-9254
Cheryl.Clayton@USPTO.GOV

RESPONSE GUIDANCE

- **Missing the deadline for responding to this letter will cause the application to [abandon](#).** A response or extension request must be received by the USPTO before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Trademark Electronic Application System (TEAS) [system availability](#) could affect an applicant's ability to timely respond. For help resolving technical issues with TEAS, email TEAS@uspto.gov.
- **[Responses signed by an unauthorized party](#)** are not accepted and can **cause the application to [abandon](#)**. If applicant does not have an attorney, the response must be signed by the individual applicant, all joint applicants, or someone with [legal authority to bind a juristic applicant](#). If applicant has an attorney, the response must be signed by the attorney.
- If needed, **find [contact information for the supervisor](#)** of the office or unit listed in the signature block.

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DictionaryThesaurus

assist

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Move your old 401(k)

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Get Started

Fidelity

Dictionary

Definition

verb

noun

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- Medical Definition
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Save Word

assist1 of 2verb

as-sist

assisted; assisting; assists

Synonyms of assist >

transitive verb

: to give usually supplementary support or aid to
| She assisted the boy with his lessons.

intransitive verb

- : to give support or aid
| assisted at the stove
| Another surgeon assisted on the operation.
- : to be present as a spectator
| ... the ideal figures assisting at Italian holy scenes.
— Mary McCarthy

assist2 of 2noun

- US : an act or action that helps someone : an act of assistance
| He wrote the story with an assist from a friend. [=with the help of a friend]
- : the action (such as a throw or pass) of a player who enables a teammate to make a point (as in baseball) or score a goal (as in basketball or hockey)

Find a gift to
make Dad's day

macys

Quordle

W O R D Y
L O V E R
P L A Y S
D A I L Y

Can you solve 4 words at
once?

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Save Word 📌

- putout (as in baseball) or score a goal (as in basketball or hockey);
also : official credit given for such an action
 | was credited with 5 *assists* in the first half
- 3 : a mechanical or **electromechanical** device that provides assistance
 : to give usually **supplementary** support or aid to
 | She *assisted* the boy with his lessons.

intransitive verb

- 1 : to give support or aid
 | *assisted* at the stove
 | Another surgeon *assisted* on the operation.
- 2 : to be present as a spectator
 | ... the ideal figures *assisting* at Italian holy scenes.
 — Mary McCarthy

assist ^{2 of 2} noun

- 1 **US** : an act or action that helps someone : an act of **assistance**
 | He wrote the story with an *assist* from a friend. [=with the help of a friend]
- 2 : the action (such as a throw or pass) of a player who enables a teammate to make a putout (as in baseball) or score a goal (as in basketball or hockey)
also : official credit given for such an action
 | was credited with 5 *assists* in the first half
- 3 : a mechanical or **electromechanical** device that provides assistance





Synonyms

Verb		
abet	aid	back
backstop	help	prop (up)
support		
Noun		
abetment	aid	assistance
backing	boost	hand
help	helping hand	leg up
lift	support	

See all Synonyms & Antonyms in Thesaurus >

Example Sentences

Verb

The device *assists* those who can't climb stairs.

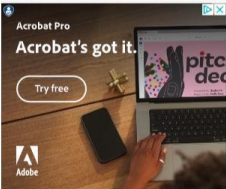
The President was *assisted* by his advisers.

She *assisted* the boy with his homework.

[See More](#) ▾

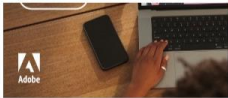
Recent Examples on the Web

- Verb**
- And while agencies are required to *assist* enrollees who don't speak English well, many are sending the forms in only a few common languages.
- Hannah Recht, *USA TODAY*, 1 June 2023
- According to Madison police, Tyler and other members of the department's Special Response Team were on the scene to *assist* Brandon police and other law enforcement.
- Warren Kulo | Wkulo@al.com, *al*, 1 June 2023



[See More](#) ▾

These examples are programmatically compiled from various online sources to illustrate current usage of the word 'assist.' Any opinions expressed in the examples do not represent those of Merriam-Webster or its editors. [Send us feedback](#) about these examples.



Word History

Etymology

Verb
Middle English *assisten* "to help, aid, give aid (to)," borrowed from Anglo-French *assister* (Middle French also "to be present near, stand near" [with a "to"]), borrowed from Latin *assistō, assistere* "to take up a position near, stand by, stand by as a supporter or advocate," from *ad-* *AD-* (assimilated to *as-*) + *sistere* "to cause to stand, assume a standing position, place, check, halt," going back to Indo-European **sti-sth₂-e-*, reduplicated present formation from the base **steh₂-* "set up (in a place), take a position," whence also Old Irish *ˈsissedar* (in *arˈsissedar* "[s/he] stays, stands fast"), Greek *hístēmi, hístānai* "to cause to stand, place," *hístamai, hístasthai* "to take up a position, come and stand," Sanskrit *tiṣṭhati* "(s/he) takes a position, stands," Avestan *hiṣtaṇti* "(they) take a position" — more at [STAND](#) entry 1

Noun
derivative of [ASSIST](#) entry 1

First Known Use

Verb
15th century, in the meaning defined at [transitive sense](#)

Noun
1923, in the meaning defined at [sense 1](#)

Time Traveler

The first known use of *assist* was in the 15th century

[See more words from the same century](#)

Phrases Containing *assist*

with an assist from ventricular assist device

Dictionary Entries Near *assist*

Assisi

assist

assistance

[See More Nearby Entries >](#)

Cite this Entry

Style

"Assist." *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/assist>. Accessed 10 Jun. 2023.

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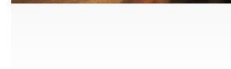
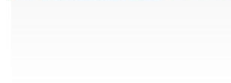


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Kids Definition



assist ^{1 of 2} verb

as·sist ə-ˈsist

: to give support or aid : [HELP](#)

assist ^{2 of 2} noun

- 1 : an act of assisting
- 2 : the action of a player who by passing a ball or puck makes it possible for a teammate to make a putout or score a goal



Medical Definition

assist ^{1 of 2} transitive verb

as·sist ə-ˈsist

: to give usually supplementary support or aid to

| assist the patient up the stairs

| assist respiration mechanically

intransitive verb

: to give support or aid

assist ^{2 of 2} noun

: an act or procedure that provides assistance

| external pressure circulatory *assist* employs compression of the lower extremities



— P. W. Wright

More from Merriam-Webster on *assist*

English: Translation of *assist* for Spanish Speakers

Britannica English: Translation of *assist* for Arabic Speakers

Last Updated: 5 Jun 2023 - Updated example sentences

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WORDS AT PLAY



Palter, Dissemble, and
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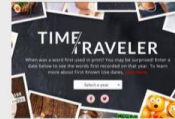
Skunk, Bayou, and Other
Words with Native
American Origins

You've used more than you
might think



Words For Things You
Didn't Know Have
Names, Vol. 2

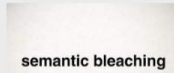
When 'thingamajig' and
'thingamabob' just won't do



When Were Words First
Used?

Look up any year to find out

ASK THE EDITORS



semantic bleaching



affect
VS.
effect



indict
VS.
indecide



70 sheets / octavo ruled
10 1/2" x 6 1/2" / 26.6 x 16.3 cm






United States Patent and Trademark Office (USPTO)

USPTO OFFICIAL NOTICE

Office Action (Official Letter) has issued
on June 11, 2023 for
U.S. Trademark Application Serial No. 97839225

A USPTO examining attorney has reviewed your trademark application and issued an Office action. You must respond to this Office action to avoid your application abandoning. Follow the steps below.

- (1) **[Read the Office action](#)**. This email is NOT the Office action.
- (2) **Respond to the Office action by the deadline** using the Trademark Electronic Application System (TEAS). Your response, or extension request, must be received by the USPTO on or before 11:59 p.m. **Eastern Time** of the last day of the response deadline. Otherwise, your application will be [abandoned](#). See the Office action itself regarding how to respond.
- (3) **Direct general questions** about using USPTO electronic forms, the USPTO [website](#), the application process, the status of your application, and whether there are outstanding deadlines to the [Trademark Assistance Center \(TAC\)](#).

After reading the Office action, address any question(s) regarding the specific content to the USPTO examining attorney identified in the Office action.

GENERAL GUIDANCE

- **[Check the status](#) of your application periodically** in the [Trademark Status & Document Retrieval \(TSDR\)](#) database to avoid missing critical deadlines.
- **[Update your correspondence email address](#)** to ensure you receive important USPTO notices about your application.
- **[Beware of trademark-related scams](#)**. Protect yourself from people and companies that may try to take financial advantage of you. Private companies may call you and pretend to be the USPTO or may send you communications that resemble official USPTO documents to trick you. We will never request your credit card number or social security number over the phone. Verify the correspondence originated from us by using your serial number in our database, [TSDR](#), to confirm that it appears under the “Documents” tab, or contact the [Trademark Assistance Center](#).
- **[Hiring a U.S.-licensed attorney](#)**. If you do not have an attorney and are not required to

have one under the trademark rules, we encourage you to hire a U.S.-licensed attorney specializing in trademark law to help guide you through the registration process. The USPTO examining attorney is not your attorney and cannot give you legal advice, but rather works for and represents the USPTO in trademark matters.